

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Introduction: May 31, 2005
Public Hearing: June 21, 2005

CONTACT PERSON/PHONE: Christina Valles, 541-4930

DISTRICT(S) AFFECTED: 8

SUBJECT:

An Ordinance changing the zoning of Lot 108, Block 1, Bischoff Addition, El Paso, El Paso County, Texas from A-3 (Apartment) to C-1 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: David Amaton Diaz. ZON05-00005 (District 8)

BACKGROUND / DISCUSSION:

See attached report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Approval Recommendation
City Plan Commission (CPC) – Approval Recommendation

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

GEORGE G. SARMIENTO, AICP
DIRECTOR



**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

May 20, 2005

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Christina Valles, Planner II

SUBJECT: ZON05-00005

The City Plan Commission (CPC), on May 5, 2005, voted **7-1** to recommend **DENIAL** of this rezoning request, concurring with Staff's recommendation. The applicant filed an appeal to the CPC decision with the City Clerk on May 12, 2005.

The CPC found that this rezoning request is not in conformance with The Plan for El Paso; and the proposed use is not in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning request is not in the best interest, health, safety and welfare of the public in general.

There was **NO OPPOSITION** to this request.

Attachment: Location Map

STAFF REPORT

Rezoning Case: ZON05-00005

Property Owner(s): David Amaton Diaz, Ramon Amaton Diaz,
Martin A. Andreu Rodriguez

Applicant(s): David Amaton Diaz

Representative(s): Manuel J. Carlin

Legal Description: Lot 108, Block 1, Bischoff Addition

Location: 510 S. Walnut Street

Representative District: # 8

Area: 0.052 Acres

Present Zoning: A-3 (Apartment)

Present Use: Existing Building

Proposed Zoning: C-1 (Commercial)

Proposed Use: Office

Recognized Neighborhood Associations Contacted: Magoffin Neighborhood Association

Surrounding Land Uses:

North -	A-3 (Apartment) / Single-family
South -	A-3 (Apartment) / Single-family
East -	C-4 (Commercial) / Warehouse
West-	C-4 (Commercial) / Vacant/Parking

Year 2025 Designation: Residential (Central Planning Area)

**CITY PLAN COMMISSION HEARING, May 5, 2005
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Case: ZON05-00005

General Information:

The applicant is requesting a rezoning from A-3 (Apartment) to C-1 (Commercial) in order to permit an office. The property is 0.052 acres in size and is currently Vacant. The proposed site plan shows a metal building currently located on the site. Access is proposed via Piedras Street with 3 parking spaces provided. There are no zoning conditions currently imposed on this property.

Information to the Commission:

The Planning Department has received no calls or letters in support or opposition to this application.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends **DENIAL** of this request for rezoning from A-3 (Apartment) to C-1 (Commercial).

The recommendation is based on the following:

The Plan for El Paso City-Wide Land Use Goals recommend that El Paso “Encourage the provision of neighborhood commercial services which are compatible with a neighborhood’s residential character.”

The Year 2025 Projected General Land Use Map for the Central Planning Area designates this property for residential land uses.

C-1 (Commercial) zoning permits an Office and **is not compatible** with adjacent development.

The portion of the lot in question is too narrow to permit any type of construction after the required setbacks have been met.

The Commission must determine the following:

- A. Will the C-1 (Commercial) zoning be compatible with the neighborhood’s residential character?
- B. Will Office be compatible with adjacent land uses?

Information To The Applicant:

Building Permits and Inspections Department Notes:

No comments.

Engineering Department, Development Division Notes:

See Enclosure 1.

Engineering Department, Traffic Division Notes:

Zoning change can be approved only if access to property through Walnut is restricted, all access shall be through Piedras only.

Fire Department Notes:

Rezoning case does not adversely affect the Fire Department.

El Paso Water Utilities Notes:

See Enclosure 2.

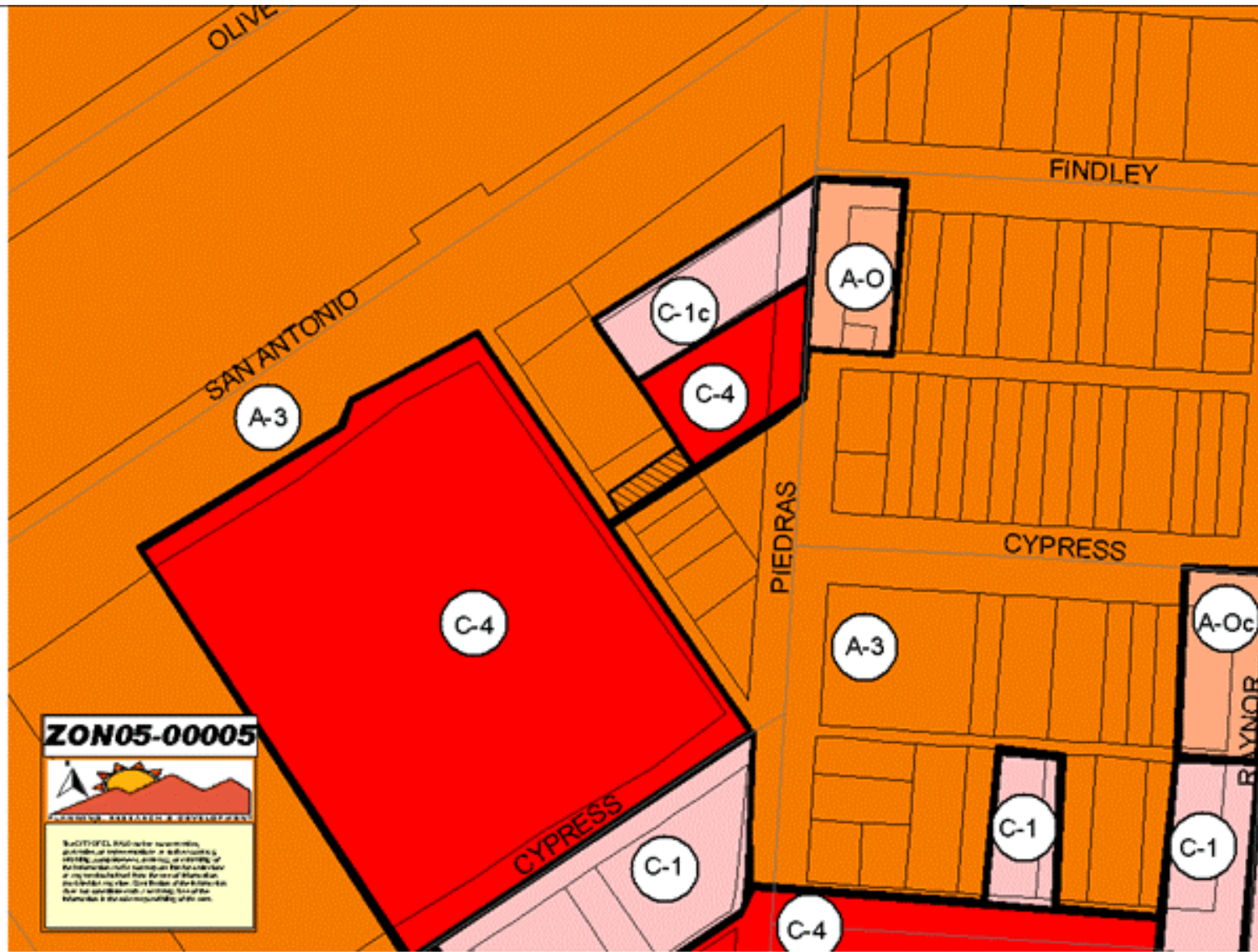
Planning, Research & Development Department Notes:

- A. The Year 2025 Projected General Land Use Map for the Planning Area designates this property for residential land uses.
- B. C-1 (Commercial) zoning permits Office and is not compatible with adjacent development.

ATTACHMENT: Site Plan; Enclosure 1, Enclosure 2.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

LOCATION MAP



AERIAL MAP



GENERALIZED PLOT PLAN



ENCLOSURE 1

Engineering Department DEVELOPMENT DIVISION COMMENTS

TO: **PLANNING DEPARTMENT**
FROM: **ENGINEERING DEPARTMENT**
ATTN: **Fred Lopez, Urban Planner**

DATE: **February 18, 2005**
ADDRESS: **510 S. Walnut St.**
PROPOSED USE: **Office.**

CASE NO.: **ZON05-00005**

PRESENT ZONING: **A-3**

REQUEST: **Rezoning from A-3 to C-1**

LEGAL DESCRIPTION: **Lot 108, Blk 1, Bischoff Addition**

- ☐ 1. No comments
- ☐ 2. Must be submitted as a subdivision
- ☒ 3. Handicap accessible Sidewalks, Wheel-chair ramps, and Driveway will be required
- ☐ 4. Grading plan and permit required.
- ☐ 5. Storm Water Pollution Prevention details required.
- ☐ 6. Storm Water Pollution Prevention plan and permit required.
- ☒ 7. Drainage plans must be approved by the City Engineer
- ☐ 8. On site ponding will be required.
- ☐ 9. Private pond is required.
- ☐ 10. No water runoff allowed unto _____.
- ☐ 11. Additional R.O.W. required.
- ☒ 12. Additional Comments: Site location is **not** located within the Special Flood Hazard Area. Zone C, Panel **39 B**.

Bashar Abugalyon, P. E.
Chief Development Engineer

DISTRICT: **8**

HME

DHCC Action:

Approved _____/_____/_____

W/ modifications _____

Denied _____/_____/_____ Reason _____

Tabled _____/_____/_____ Until _____/_____/_____, _____ Weeks

Times Tabled _____, _____, _____, _____, _____, _____, _____, _____.

ZON04-00087REZ PaintedDunes2&3

ENCLOSURE 2



INTEROFFICE MEMORANDUM

To: Fred Lopez
Planner II/Zoning Coordinator

From: El Paso Water Utilities-Engineering Section

Date: February 22, 2005

Subject: **ZON05-00005 Rezoning**
Lot 108, Block 1, Bischoff Addition, 510 S. Walnut Street
Present: A-3 (Apartment); Existing Building
Proposed: C-1 (Commercial); Office

We have reviewed the above referenced rezoning request and provide the following comments:

1. Water and sanitary sewer services are available from existing public water and sanitary sewer mains along S. Walnut Street.
2. El Paso Water Utilities (EPWU) does not object to this request. Application for water and sanitary sewer services should be made 6 to 8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading and drainage plans, landscaping plan, the legal description of the property, and a certificate-of-compliance are required at the time of application. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

APPEAL

APPEAL TO THE CITY COUNCIL

CITY CLERK DEPT.
05 MAY 12 AM 9:32

DATE 5-12-05

HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on APRIL 28 MAY 5, 2005, the
CITY PLANNING COMMISSION denied my request for REZONING OF
510 S. WALNUT ST. PRESENT ZONING A1 TO BE CHANGED
TO C1

legally described as: LOT 108, BLOCK 1, BISCHOFF ADDITION

I hereby request the City Council to review the decision of the CITY
PLANNING COMMISSION AND CONSIDER MY REQUEST

SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY
REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

DAVID AMATEO DIAZ
APPLICANT

510 S. WALNUT
ADDRESS

(915) 892 4419
TELEPHONE NUMBER

Two (2) copies filed in City Clerk's Office on: _____

CITY OF EL PASO
PLANNING, RESEARCH
AND DEVELOPMENT
2005 MAY 12 AM 9:19

CITY CLERK DEPT.
MAY 12, 2005
05 MAY 12 AM 9:33

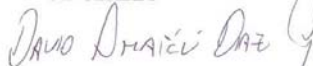
HONORABLE MAYOR AND CITY COUNCIL
CITY OF EL PASO, TEXAS

DEAR MAYOR AND CITY COUNCIL :
THE REASON FOR MY REQUEST TO YOU HONORABLE MAYOR AND CITY COUNCIL IS TO
REVIEW THE DECISION OF THE CITY PLANNING COMMISSION WHICH I BELIEVE TO BE AN
ERROR

FIRST, KNOCKING DOWN THE EXISTING NEW BUILDING LOCATED AT 510 S.
WALNUT WILL BE A HARDSHIP FOR THE NEW OWNERS OF THIS PROPERTY.
THE OWNERS OF THIS PROPERTY ARE PLANNING TO REMODEL THIS BUILDING TO
BE USED AS AN IMPORT / EXPORT OFFICE WHICH MAIN ENTRANCE WILL BE AND IS
PRESENTLY THROUGH PIEDRAS STREET.

SECOND, WE, THE OWNERS OF THIS PROPERTY WILL LIKE TO HAVE LOT 108,
BLOCK 1, BISCHOFF ADDITION AND WHICH PRESENT ZONING IS A1 TO BE CHANGED TO C1

SINCERELY



DAVID AMATON DIAZ
PROPERTY OWNER

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 108, BLOCK 1, BISCHOFF ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM A-3 (APARTMENT) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Lot 108, Block 1, Bischoff Addition, El Paso, El Paso County, Texas*, be changed **from A-3 (Apartment) to C-1 (Commercial)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this _____ day of June, 2005.

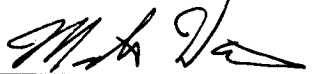
THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:


Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

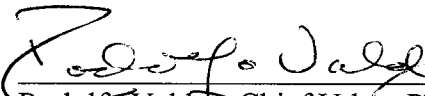


Matt Watson, Assistant City Attorney
Doc No. 12751

APPROVED AS TO CONTENT:



Christina Valles, Urban Planner
Planning, Research & Development
Department



Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development
Department